

Freedom Planning Board Meeting Minutes
11/14/2023
Town Office

Planning Board Members Present: Palmer Pearson, Mary Ann Bennett, Tyler Hadyniak, Peter Abello, Clara Alvarez. Absent: Prentice Grassi, Kevin Malady

Public in attendance: Laura Greely (Freedom Selectperson), Ryan Willette (Freedom Selectperson), Meredith Coffin, Heather Donahue, Chris Byers, Dylan Smith, Whitetail Solar Developer, Thatcher Carter

10/24 Minutes

Tyler moved minutes to be approved as amended, Mary Ann 2nd. Unanimous approval.

New Agenda Item – presentation from Thatcher Carter of Maine Farmland Trust

Thatcher is the Municipal Policy Associate with Maine Farmland Trust out of their Portland Office. Tyler invited him to the meeting to present to the planning board about MFTs position on solar energy systems and their related services to municipalities. Thatcher passed out an MFT publication to all Planning Board members entitled: “Balancing Solar Development and Farmland Protection – A Solar Siting Guide for Maine Towns”. Takeaways from his presentation:

- MFT believes that farms and solar energy systems can coexist.
- Strive for dual use – solar array and agricultural production.
- SES can be a financial benefit to farms but on the same token, farms are concerned about loss of access to farmland.
- Several towns have in place a Natural Resource Mitigation Fee in their solar ordinances that institutes a fee to a solar developer if the array is installed on prime farmland soils or soils of statewide significance. One other town assesses a similar fee due to an SES developed near valuable wildlife habitat.
- New state law just passed – LD 1881
 - If an SES is sited on significant agricultural soils as determined by the State of Maine and is greater than 5 acres, then a permit from Maine Department of Agriculture Conservation and Forestry is required.
 - This law will be applied to any SES with a construction commencement date after 9/2024
 - Towns can be more restrictive than LD 1881
- Thatcher/MFT can review Freedom’s draft ordinance.

New Board Member

Palmer is leaving the planning board. Effective date: 11/30. Though Palmer indicated he could stay longer. Bottom line: searching for a new planning board member.

Point of interest – Tyler shared with the Planning Board the title of a recent article in the 11/9/23 issue of the Maine Lawyers Review: For Want of Findings: Administrative Appeal Lessons from the Law Court. The article highlights several municipal ordinances/decisions which described

the importance of municipal boards adequately explaining the factual basis for their permit decisions. Encouraged planning board members to review the article.

Comments from Public in attendance

Heather Donahue – shared that a bill is being considered by Maine Legislature that if a town has no moratorium or ordinance in place for a particular type of development (e.g., ses or high transmission line), then that town would not be able to pass a moratorium or ordinance in reaction to that application. In other words, the developer would have a right to apply for a permit under the ordinances in place, if any, at the time the Planning Board was put on notice of such an incoming application.

Laura Greeley – on behalf of the Freedom Selectboard, requested that the Planning Board vote tonight on an Electric Transmission Facilities and Corridors Ordinance for the Town of Freedom. She passed out copies of a Draft Ordinance developed by the selectboard. The document is 100% based on Palermo’s Ordinance that was recently passed by the town. Background: selectboard want to do everything possible to protect the town from proposed Aroostook Gateway High Transmission Line and do so ASAP. This urgency is in response to the several bills that would protect Maine people and towns from such development by the Maine Legislature, but which failed to be deemed an “emergency” by the Legislative Council. At their 11/20 meeting, the Selectboard will be voting on a date for public hearing and town vote on the ordinance.

The planning board members urged patience and to let the process of ordinance development happen as planned. Ultimately Selectboard will move forward without the planning board. The vote to set public hearing and vote will occur at the next Selectboard meeting with or without planning board comments. Laura encouraged the planning board to give feedback to the presented draft ordinance before the next Selectboard meeting. Tyler will email the draft ordinance to the board for their review on their own time.

Discussion about Solar Ordinance

a. Review Chris Byers’ Suggestions

With planning board approval, Chris Byers provided comments to draft Solar Ordinance a couple of weeks ago. Worked through those comments tonight. Tyler made the changes as necessary on the live document per agreement from the board. Ended work at the start of the Decommissioning section.

Next Meeting: 11/28/2023 5:30 pm. Meeting will go from 5:30 -8:00 pm

Motion to adjourn – Tyler. Seconded by Peter. Unanimously approved.